

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF PENNSYLVANIA

STEVEN LOVE LUNDY

Plaintiff

v.

MONROE COUNTY

CORRECTIONAL FACILITY, et al.

Defendants

CIVIL ACTION NO. 3:17-2306

**(MANNION, D.J.)
(CARLSON, M.J.)**

MEMORANDUM

Presently before the court is the December 18, 2017 Report and Recommendation (“Report”) of U.S. Magistrate Judge Martin C. Carlson. (Doc. 7). In his Report, Judge Carlson recommends that the plaintiff’s motion to proceed *in forma pauperis*, (Doc. 2), be conditionally granted and that his complaint, (Doc. 1), be dismissed. The plaintiff has not filed any objections to Judge Carlson’s Report, and the timeframe within which he was permitted to do so has expired. For the following reasons, the Report will be **ADOPTED IN ITS ENTIRETY**, and the plaintiff’s complaint will be **DISMISSED**.

Steven Love Lundy, an inmate confined at the Monroe County Correctional Facility, filed the above-captioned civil rights complaint under [42 U.S.C. §1983](#). (Doc. 1). The named defendants are the Monroe County Correctional Facility, Warden Garry Hidle, and unnamed members of the

prison's medical staff. (*Id.*). Lundy's complaint alleges in a cursory manner that prison personnel were medically negligent toward him by failing to provide him with a high-protein diet and by ignoring the fact that he had lost fifteen pounds within a span of two weeks. (*Id.*). After filing his complaint, Lundy submitted an application for leave to proceed *in forma pauperis* under [28 U.S.C. §1915](#). (Doc. 2).

Where no objection is made to a Report and Recommendation, the court should, as a matter of good practice, "satisfy itself that there is no clear error on the face of the record in order to accept the recommendation." Fed. R. Civ. P. [72\(b\)](#), advisory committee notes. See also *Henderson v. Carlson*, 812 F.2d 874, 878 (3d Cir. 1987) (explaining that judges should give some review to every Report and Recommendation). Nevertheless, whether timely objections are made or not, the district court may accept, not accept, or modify in whole or in part the findings or recommendations made by the magistrate judge. [28 U.S.C. §636\(b\)\(1\)](#); Fed. R. Civ. P. [72\(b\)\(3\)](#).

Lundy has filed no objections to the determinations reached in Judge Carlson's Report. The court has reviewed the reasons presented by Judge Carlson for recommending that Lundy's application for leave to proceed *in forma pauperis* be granted and that his complaint be dismissed. (Doc. 7). As the court agrees with the sound reasoning that led Judge Carlson to the

conclusions in his Report and finds no clear error on the face of the record, the court will adopt the Report in its entirety. An appropriate order shall follow.

s/ Malachy E. Mannion
MALACHY E. MANNION
United States District Judge

Dated: May 15, 2018

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